

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

HUBER SABALSA-ZARATE,

Petitioner,

v.

UNITED STATES OF AMERICA,

Respondent.

Case No. C12-142-MJP
(CR10-163-MJP)

ORDER DENYING § 2255 MOTION

The Court, having reviewed the Report and Recommendation of James P. Donohue, United States Magistrate Judge, and the remaining record, does hereby find and ORDER:

(1) The Court adopts the Report and Recommendation.

(2) Petitioner's motion under 28 U.S.C. § 2255 to vacate, set aside, or correct his sentence (Dkt. No. 1) is DENIED and this action is DISMISSED with prejudice.

(3) In accordance with Rule 11 of the Rules Governing Section 2255 Cases in the United States District Courts, a certificate of appealability is DENIED.

1 (4) The Clerk is directed to send copies of this Order to petitioner, to counsel for
2 respondent, and to the Honorable James P. Donohue.

3 DATED this 12th day of October, 2012.

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6 Marsha J. Pechman
7 Chief United States District Judge
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